

ATTACHMENT A

Remarks

Claims 1-22 stand pending in the present application. By this Amendment claims 1, 10 and 15 have been amended. For the reasons set forth below, it is respectfully submitted that the present application is now in condition for allowance.

Turning first to the amendments made to the claims, it is respectfully submitted that the amendments made to the claims should be entered because the amendments make the claims more commensurate with the arguments presented in the previously filed Amendment of June 14, 2004 and, moreover, place the claims in a better condition for appeal. Further, the amendments do not raise new issues as the amendments do not introduce new elements not previously included in the pending dependent claims. For example, amended claim 1 now more specifically recites a feature of a telephone and a telephone was previously recited in claim 7, and claims 1, 10 and 15 now recite a feature that was discussed previously and was previously recited in claims 22 and 23. Consequently, the present claim amendments do not require a further prior art search nor raise new issues.

Claims 1-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by King et al U.S. Patent No. 5,872,841 (hereinafter "King"). Further, claims 21-23 were rejected as being obvious under 35 U.S.C. § 103(a) by King in view of Todd U.S. Patent No. 6,760,423.

It is contended in the Office Action that King teaches a telephone exchange system 10 which anticipates the claimed apparatus. Further, with regard to claim 7 which recites the device may include a telephone, it is alleged that King in view of Todd renders obvious the invention of claim 7.

It is respectfully submitted that claims 1-20 are not anticipated by King. In order to further define the claimed apparatus, claim 1 has been further amended to recite that the device includes means for enabling a user to speak to an initiator of an incoming call. The amendment to claim 1 does not constitute new matter in that, as indicated above, original dependent claim 7 provides support for the claimed device to comprise a telephone such as a cellular telephone, home phone, or work phone. Further, the specification as filed states, on page 1, lines 21-26, that the device can be used for sending and receiving telephone call information including voice and data. Thus, the specification as filed provides support for the recitation that the device itself allows a user to speak to an initiator of a telephone call. Further, since the Office Action indicates that Todd has been applied as teaching the recited telephone of claim 7, no further prior art search is required, as a claim of the scope of claim 1, as currently amended, has already been examined.

The present invention as recited in amended claim 1 is now directed to a single device which allows a user to speak to an initiator of a telephone call, identify caller information associated with the call and to initiate scheduling of a call-back based on the caller information.

King is directed to a telephone exchange system to which telephones are connected. The telephone exchange system itself does not constitute a device which allows a user to speak to an initiator of an incoming call. Although King may teach a single device for identifying a caller and scheduling a call-back as part of the telephone exchange system, a separate device, i.e., a device separate from the telephone

exchange system, allows a user to speak with an initiator of an incoming telephone call. Accordingly, claim 1 is not anticipated by King.

Further, specifically with regard to claim 7, it is contended in the Office Action that Todd teaches a handheld device having a calendar and means for placing a telephone call, and therefore, that it would have been obvious to incorporate the telephone exchange system of King into a handheld device. However, King in view of Todd fails to teach or suggest a device which comprises a telephone incorporating the means for enabling a user to speak to an initiator of an incoming call, means for identifying a caller information associated with the incoming call and means for enabling the user to initiate scheduling a call-back based on the identifying caller information, as claimed.

Contrary to the contention in the Office Action, it would not have been obvious to one of ordinary skill in the art to combine the teaching of King with Todd. King is directed to a telephone exchange system designed for allowing a caller, i.e., the party attempting to place a call, to set a call-back time. Accordingly, an individual placing the call must be able to be in contact with the telephone exchange system at all times in order to effectuate the goal of King, i.e., requesting a call-back, and to provide an effective telephone scheduling system. In contrast, Todd is directed to a handheld wireless device which includes a calendar for allowing a user to schedule appointments and then place telephone calls based on previously stored appointments.

Further, it is respectfully submitted that there is no teaching or suggestion in King or Todd that would lead one of ordinary skill in the art to incorporate a telephone exchange scheduling system into a handheld device such as Todd. The two patents

are directed to two very different telecommunications systems, King being concerned with a telephone answering system and Todd being directed to a personal handheld organizer with calendar and telephone functions.

Moreover, the incorporation of a telephone exchange system into a handheld wireless device would reduce the effectiveness of the telephone exchange system of King because of the out of range limitations associated with wireless devices. King discloses a stand alone telephone system to which telephones are connected and not an integrated and unified telephone and answering system. Neither King nor Todd teach or suggest how one would incorporate a telephone exchange system into a handheld wireless device.

Further, the intent and purpose of the King telephone exchange system would be thwarted by the use of a handheld wireless device such as Todd in that the Todd device may not be, and in most cases, will not be, permanently connected to a network depending on the location of the handheld device. Consequently, callers to the handheld device will not be able to schedule a call-back should the handheld device not be in contact with a telephone network.

In summary regarding the combination of references, it is respectfully submitted that, for the reasons set forth above, it would not have been obvious to one of ordinary skill in the art to combine a telephone exchange system of King with the handheld device of Todd.

Turning now to independent claim 10, it is respectfully submitted that King individually or in combination with Todd fails to teach or suggest a method for enabling a recipient of an incoming call to initiate automatic scheduling of a call-back for an

incoming telephone call. On the contrary, King clearly teaches that the caller, i.e., the calling party, initiates a request to schedule a call-back, not the recipient of a call, i.e., the called party (see, e.g., column 2, lines 32-35). Although the Examiner correctly points out that either the caller or the called party may choose who actually places the call-back call (King, column 5, lines 40-60), in King, it is the caller who makes the schedule call-back request, in contrast to the present invention wherein the called party decides upon and initiates scheduling of a call-back.

Turning to the Todd reference, Todd is silent as to any provision for a called party being the one who initiates scheduling of a call-back in response to an incoming call. Todd merely teaches a method wherein a user schedules a time to make a telephone call.

Based on the foregoing, it is respectfully submitted that King individually or in combination with Todd fails to teach or suggest enabling a recipient of an incoming call to initiate automatic scheduling of a call-back. Therefore, it is respectfully submitted that claim 10 is not anticipated nor obvious in view of the prior art.

Similarly, with regard to claims 15, 22 and 23, King in view of Todd fails to teach or suggest means enabling a recipient of an incoming communication to initiate automatic scheduling of a response to an incoming communication as claimed.

In summary, Applicant respectfully submits that claims 1-23 are not anticipated nor made obvious by King individually or in combination with Todd. Should the obviousness-type rejection based on Todd be maintained, applicant reserves the right to swear behind the Todd reference.

In view of the foregoing, it is respectfully submitted that the present application is now in condition for allowance.

END REMARKS

ATTACHMENT B

Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently Amended) An apparatus, comprising:

means, disposed within a first device, for enabling a user of the first device to receive speak to an initiator of an incoming telephone call;

means, disposed within the first device, for identifying caller information associated with the incoming telephone call; and

scheduling means, disposed within the first device, for enabling scheduling by the user of a call-back based on the identifying caller information identified by said identifying means.

2. (Original) An apparatus as claimed in claim 1, said receiving means including a telephony circuit structure.

3. (Original) An apparatus as claimed in claim 1, said identifying means including a caller ID circuit structure.

4. (Original) An apparatus as claimed in claim 1, said scheduling means including an electronic calendar.

5. (Original) An apparatus as claimed in claim 1, said scheduling means including a scheduler module.

6. (Original) An apparatus as claimed in claim 1, further comprising means for managing calls, said means for managing calls being disposed within the first device and being coupled with said receiving means, said identifying means, and said scheduling means.

7. (Currently Amended) An apparatus as claimed in claim 1, the first device being selected from the group comprising a cellular telephone, a home telephone, and a work telephone, ~~and a telephony-enabled computer system.~~

8. (Original) An apparatus as claimed in claim 1, further comprising means for storing the identified caller information associated with the incoming telephone call.

9. (Original) An apparatus as claimed in claim 8, said storing means including a contacts database.

10. (Currently Amended) A method for enabling a recipient of an incoming telephone call to schedule a call-back, comprising:

receiving an incoming telephone call using a first device;

obtaining caller information associated with the incoming telephone call using the first device; and

enabling a recipient of the incoming call to ~~automatically schedule~~ initiate automatic scheduling of a call-back for the incoming telephone call, using the first device, based on the obtained caller information.

11. (Original) A method as claimed in claim 10, further comprising the step of determining whether obtained caller information associated with the incoming telephone call is stored in a database, and if not, then saving the obtained caller information in the database.

12. (Original) A method as claimed in claim 10, further comprising the step of, at a time scheduled in said scheduling step, initiating a call-back based using the obtained caller information.

13. (Original) A method as claimed in claim 10, said scheduling step further comprising the step of optionally entering text associated with the scheduled call-back.

14. (Original) A method as claimed in claim 10, further comprising the step of, at a scheduled call-back time, prompting the user to select an option to be executed, the option being at least one of the following from the group comprising proceeding with a scheduled call-back, canceling a scheduled call-back, delaying a scheduled call-back, and rescheduling a scheduled call-back.

15. (Currently Amended) An apparatus, comprising:
means for receiving an incoming communication;
means for identifying information associated with the incoming communication;

and

means for enabling a recipient of an incoming communication to ~~automatically schedule~~ initiate automatic scheduling of a response to the incoming communication based on information identified by said identifying means.

16. (Original) An apparatus as claimed in claim 15, the incoming communication received by said receiving means being selected from the group comprising telephony, e-mail, network protocol, file transfer protocol, Internet protocol, wireless network protocol, RF network protocol.

17. (Original) An apparatus as claimed in claim 15, said receiving means being selected from the group comprising cellular telephone, home telephone, work telephone, computer system, network adapter, and server.

18. (Original) An apparatus as claimed in claim 15, said identifying means including a structure selected from the group comprising caller ID, network adapter, firewall software, firewall hardware, network hardware, and network software.

19. (Original) An apparatus as claimed in claim 18, said scheduling means including an electronic calendar.

20. (Original) An apparatus as claimed in claim 18, said scheduling means initiating a response communication at a scheduled time.

21. (Previously Presented) The apparatus of claim 1, wherein the first device comprises a portable handheld device.

22. (Currently Amended) The apparatus of claim 21, wherein the scheduling means ~~for scheduling~~ enables a user of the portable device, after receiving the incoming call, to, at the option of the user, automatically schedule a call-back.

23. (Currently Amended) The apparatus of claim 1, wherein the scheduling means ~~for scheduling~~ enables a user of the first device, after receiving the incoming call, to, at the option of the user, automatically schedule a call-back.